

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 19-cr-251-LM-LM

Johnathon Irish

FINAL PRETRIAL ORDER

1. Date of Pretrial Conference: January 21, 2020.
2. Counsel Present: Attorney Anna Krasinski for the United States, and Attorney Falkner for the defendant.
3. Type of Trial: Criminal.
4. Date of Trial: Jury selection is scheduled for February 4, 2020. Trial will start February 10, 2020.
5. Estimated Length of Trial: Two days.
6. Deadline for Filing Motions in Limine: All motions in limine shall be filed on or before **February 4, 2020, at 5:00 p.m.**; responses to said motions shall be filed on or before **February 5, 2020, at 5:00 p.m.**
7. Motions: To the extent there exists other disputed legal issues that can be resolved before trial, the court will entertain these matters at a status conference on **February 6, 2020, at 9:00 a.m.** To the extent that the dispute requires detailed legal research, any written memoranda shall be filed on or before **February 4, 2020**; responses to be filed by **February 5, 2020, at 5:00 p.m.**
8. Voir Dire: Request for voir dire questions may be submitted no later than one week before jury selection.
9. Jury Selection: See [Fed. R. Crim. P. 23, 24](#).

There will be a total of **7** peremptory challenges for the United States and a total of **11** peremptory challenges for the

defendant. (These totals include one additional peremptory challenge for each side that may be used only to remove alternates.) Twelve jurors and two alternates will be seated. See Fed. R. Crim P. 24(c) (4) (A). Alternates will be retained through deliberation.

10. Exhibits: An original and two copies of the exhibits are to be premarked and submitted to the Clerk's Office not later than **February 3, 2020** (which is one week **before** evidence is set to begin—in this case, evidence set to begin on **February 10, 2020**) in accordance with the document entitled "Procedure For Marking Exhibits" which is attached hereto and made a part hereof. Any objections to exhibits shall be set forth briefly in writing and filed with the exhibits. Counsel shall notify each other at the time the exhibits are submitted if any custodian will be required for any exhibit.
11. "Will-Call" Witness List: The parties shall exchange and file a list of witnesses they intend to call at trial at the time they pre-mark and submit exhibits. The parties will be bound by the witnesses disclosed in this list absent extraordinary circumstances.
12. Jury Instructions: Requests for jury instructions should be submitted no later than one week before the date of jury selection. Additions and/or amendments thereto will be considered if submitted before the close of trial. Requests shall be submitted in a logical sequence, shall be non-argumentative, and shall set forth an accurate statement of the law as it applies to the case. Counsel need not submit "boilerplate" instructions. The court anticipates providing counsel with a draft charge in sufficient time to meaningfully review the jury instructions and make suggestions prior to the close of trial.
13. Electronic Evidence: JERS shall be used in this case. The parties are directed to the United States District Court's policy regarding electronic evidence which applies in this case. See Presenting Electronic Evidence to Deliberating Petit Jurors located at <http://www.nhd.uscourts.gov/jury-evidence-recording-system-jers>.
14. Disclosure: The United States has represented that its Brady and Jencks disclosures have been made, and defense counsel are satisfied with those disclosures.

15. Efficient Use of Jury Time: To the extent possible, counsel shall anticipate and notify the court of any evidentiary disputes that can be discussed outside the presence of the jury. The court intends to utilize jury time in the most efficient manner possible. The court will give counsel an opportunity to alert the court at each break at the beginning and end of each day of trial. The court will meet with counsel at least one-half hour before the trial is scheduled to begin each day of trial.
16. Confirm Date and Time of Jury Selection: In order to utilize the court's resources to the fullest extent and keep counsel informed as to their status on the trial list, counsel are directed to call Courtroom Deputy Donna Esposito at 225-1623 to confirm the date and time of jury selection.

SO ORDERED.



Landya McCafferty
United States District Judge

January 22, 2020

cc: Benjamin L. Falkner, Esq.
Anna Z. Krasinski, Esq.
U.S. Probation
U.S. Marshal